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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/206,405 03/07/94 RIGGINS

P 11701
EXAMINER

11M1/0310

EINSMANN, M

ART UNIT

PAPER NUMBER

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1105
DATE MAILED:

03/10/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

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This application has been examined Responsive to communication filed on 12/19/94 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice of Draftsman's Patent Drawing Review, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6. Interview summary

Part II SUMMARY OF ACTION

1. Claims 1-13,65 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims 14-64 have been cancelled.

3. Claims _____ are allowed.

4. Claims 1-13,65 are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).

12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

EXAMINER'S ACTION

Part III DETAILED ACTION

Response to Amendment

Applicants declarations under 37 CFR 1.608(a) have been considered and have mooted the 102(e) rejection of the claims over Holsten et al. The amendments have mooted the rejection over Gruen.

Claim Rejections - 35 USC § 112

1. Claim 65 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 65 is indefinite in that it claims both a method of dyeing and the product so dyed. Each should be made the subject of a separate claim. The language is further indefinite because of the insertion of the word "optionally" in two places. It is not clear how much of the claimed subject matter is optional. For example the "optional" on line 3 is seen to include "a dye carrier comprising an amide of 7 to 14 carbon atoms..." which makes the inventive concept optional.

2. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using

it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to define the amides as to where the alkyl substituents are located. On table 1 and page 21, are the amides N-substituted? Applicants are requested to provide evidence of which amides are used in the examples.

3. Claims 1-13 and 65 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

4. The request for interference will be addressed when the above rejections and objection have been resolved.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is (703) 308-3826.

Margaret Einsmann

MARGARET EINSMANN
PATENT EXAMINER
GROUP 1100

mve

March 9, 1995